INITED STATES DISTRICT COURT NORTHERN DISTRICT OF NEW YORK	
SHAMEL WRIGHT,	-
Plaintiff,	

-V

9:14-CV-1041 (DNH/TWD)

OF COUNSEL:

ROWLAND POTTER, MICHAEL BARKMAN, JAMES THOMSEN, C.O. JOHN DOE #1, C.O. JOHN DOE #2 AND SGT. JOHN DOE,

Defendants.

APPEARANCES:

SHAMEL WRIGHT Plaintiff, *Pro Se* 346 Furman Street, 1st Floor Schenectady, NY 12304

HON. ERIC T. SCHNEIDERMAN Attorney General for the State of New York Attorneys for Defendant James Thomsen The Capitol Albany, NY 12224

RYAN E. MANLEY, ESQ. Ass't Attorney General

DAVID N. HURD United States District Judge

DECISION and ORDER

Pro se plaintiff Shamel Wright brought this civil rights action pursuant to 42 U.S.C. § 1983. On June 28, 2016, the Honorable Thérèse Wiley Dancks, United States Magistrate Judge, advised by Report-Recommendation that defendant James Thomsen's motion for summary judgment pursuant to Federal Rule of Civil Procedure 56 be granted, and that he be dismissed from this action. See ECF No. 33. Plaintiff has not filed timely objections.

Based upon a de novo review of the Report-Recommendation, the Report-Recommendation is accepted in whole. <u>See</u> 28 U.S.C. § 636(b)(1).

Therefore, it is ORDERED that:

- Defendant James Thomsen's motion for summary judgment (ECF No. 30) is

 GRANTED;
- 2. All claims against defendant James Thomsen are **DISMISSED** and he is terminated from this action; and
- 3. The Clerk serve a copy of this Decision and Order upon plaintiff in accordance with the Local Rules.

The Clerk of the Court shall enter judgment and close this case.

IT IS SO ORDERED.

United States District Judge

Dated: September 21, 2016 Utica, New York